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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,080	07/15/2003	Ofir Zohar	ASSIA 20.502	7108
26304 7590 02/05/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER VIDWAN, JASJIT S	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 02/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/620,080

Applicant(s)

ZOHAR ET AL.

Examiner

Jasjit S. Vidwan

Art Unit

2182

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


KIM HUYNH
SUPERVISORY PATENT EXAMINER

2/1/07

Continuation of 11: The Applicant argues that prior art of record fails to teach: (a) "Redistributing the logical addresses among the storage device in the extended set so as to cause a portion of the logical addresses to be transferred from the storage devices in the initial set to the additional storage device" (b) "data is moved into another portion of the new storage areas in the physical storage space" (c) redistributing is performed "while maintaining the balanced access" and (d) "while maintaining the same logical addresses for the logical addresses in the initial set of storage devices that are not transferred to the additional storage device."

With respect to argument (a), Examiner disagrees. Applicant argues that Jacobson does not teach the above limitation, however in Remarks/Arguments filed on 08/04/2006, Applicant states on page 17, "Jacobson discusses how to distribute all logical addresses across a given set of disks and then if a disk is added, distributing the logical addresses again." In addition, even in current Remarks/Arguments filed on 1/16/2007, Applicant on page 9 states "Jacobson apparently adds disk space and redistributes the addresses." It seems Applicant is contradicting himself with the above argument as it is clearly evident that Jacobson teaches the above alleged insufficiency in Col. 3, Lines 5-13.

With respect to argument (b), Examiner disagrees. The cited reference teaches the above limitation in Col. 3, Lines 1-5 when Jacobson discloses "...when one or more storage disks are added to the hierarchic disk array, data stored in a selected RAID area is moved to another area of equal or greater storage capacity."

With respect to argument (c), Examiner disagrees. Jacobson teaches a system wherein data is spread across multiple storage drives. Furthermore, each storage disk contains equal storage regions thereby having a balanced access to storage disks [Col. 2, Lines 61-63]

With respect to argument (d), Examiner disagrees. As previously stated and admitted by the Applicant, Jacobson teaches how to distribute all logical addresses across a given set of disks and then, if a disk is added, distributing the logical addresses again. Though, this process results in a "remapped" storage area, the original logical addresses for the initial set of storage devices remain the same because Jacobson teaches that when more storage disks are added, only the data that needs to be moved to the new disk is actually transferred [See Col. 2, Lines 9-25, "When more storage disks are added, data from one stripe is moved to another portion of the physical storage space. The physical storage space containing the stripe is then reconfigured into an expanded stripe for storing data." - By moving only the data that needs to be transferred to additional storage device, the logical addresses for the data not moved would remain the same in the initial set of storage devices as it was prior to addition of storage devices]. Due to the above reasoning, it is the position of the Examiner that Jacobson still reads on the limitations of the amended claim.